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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|-----------------------|
| 10/748,711 | 12/30/2003 | Martin Brox | 1890-0030 | 2105 |
| 7590 | 12/01/2005 | | | EXAMINER LUU, AN T |
| Maginot, Moore & Beck Bank One Tower Suite 3000 111 Monument Circle Indianapolis, IN 46204 | | | ART UNIT 2816 | PAPER NUMBER |
| DATE MAILED: 12/01/2005 | | | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/748,711 | BROX ET AL. | |
| | Examiner | Art Unit | |
| | An T. Luu | 2816 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 31 October 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 15,16,19-22,25,26,28 and 34-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 15,16,19-22,25,26,28 and 34-38 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 15, 19-22, 25-26, 34 and 36-38 are rejected under 35 U.S.C. 102(e) as being anticipated by the Miyamoto reference (US Patent 6,586,978).

Miyamoto discloses in figure 10 an apparatus comprising a delay device comprising a first delay element 403 and a second delay element 402, wherein the first delay element is configured to generate a first output D responsive to a control signal (output of 407) and a first input C, and wherein the second delay element is configured to generate the first input responsive to the externally generated clock signal CLK and a set signal (output of 405) related to the frequency of the externally generated clock signal, a feedback device (404, 406) operably connected to the first delay element and configured to generate a time delayed first output B, the feedback device operable to delay the first output by an amount substantially equal to a receiver time delay d2 plus a driver time delay d1, a phase difference detection 407 device configured to generate signal responsive to the phase difference between the time delayed first output and the externally generated clock signal, and a frequency detection 405 unit configured to generate the set signal responsive to the frequency of the externally generated clock signal as required by claim 15.

As to claim 19, figure 5 discloses the delay device comprising a controllable variable capacitor element (i.e., 54a controlled by 53a).

As to claims 20 and 21, figure 3 discloses the delay device comprising a controllably variable current inverter 31 and 32. It is noted that inverters 1 and 32 are in chain connection.

As to claims 22 and 25-26, they are rejected for reciting a method derived from the apparatus of claim 15 which is rejected as noted above.

As to claim 34, figure 10 shows the frequency detection unit 405 is operable to generate the set signal independent of the first output signal.

As to claims 36-38, the scopes of these claims are similar to that of claims 19-21. Therefore, they are rejected for the same reason set forth above.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 16, 28 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Miyamoto reference (US Patent 6,586,978) in view of the Li et al reference (US Patent 6,208,183).

Miyamoto discloses a delay locked loop comprising all the claimed invention except for teaching a filter circuit coupled between the phase detector and the delay element as required by claim 16.

Li discloses in figure 2 a delay locked loop 100 comprising a filter circuit 106 coupled between the phase detector 102 and the delay element 110 as required by the claim.

It would have been obvious to one skilled in the art at the time the invention was made to incorporate the teaching of filter in Li into that of Miyamoto since the filter would remove out-of-band and/or interfering signals of the control signal.

As to claims 28 and 35, the scopes of these claims are similar to that of claim 16.

Therefore, they are rejected for the same reason set forth above.

Response to Arguments

5. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to An T. Luu whose telephone number is 571-272-1746. The examiner can normally be reached on 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy P. Callahan can be reached on 571-272-1740. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

An T. Luu
11-17-05 *ATL*

Kenneth B. Wells
Kenneth B. Wells
Primary Examiner